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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,229	02/20/2001	Jouni Matula	30-538	4593

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EXAMINER

ALVO, MARC S

ART UNIT PAPER NUMBER

1731

DATE MAILED: 10/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/763,229

Applicant(s)

MATULA

Examiner

Steve Alvo

Art Unit

1731

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 17 July 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in *the* art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim 1 is rejected under 35 U.S.C. 103(a) as being unpatentable over ANDERSSON et al in view of SAMPI et al.

ANDERSSON et al teaches feeding paper pulp (15) from the white water tank (16) into a gas separation (21) tank (13) using regenerative pump (14) and from the gas separation tank (21) to a fan pump (17) to the headbox (19), wherein the pulp is fed into gas separation tank (13) with pump (14), wherein the surface height of the degassing tank (21), the white water tank the mixing pump (11) and the regenerative pump are at substantially the same level (column 3, lines 60-65 and Figure 3) and the fan pump (17) has its inlet pressure controlled (column 4, lines 22-31 and column 4, lines 67-68). The paper pulp (15) is at a low consistency as it is fed to the paper machine as the pulp as it is diluted with the white water from the white water tank (16). SAMPI et al teaches that it is known that low consistency pulps can be pumped with propeller pumps, see column 1, lines 9-13. It would have been obvious to pump the low consistency pulp of ANDERSSON ET AL using the known low consistency pump of discussed by SAMPI et al.

Claims 2-5, and 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over ANDERSSON ET AL in view of SAMPI et al in view of VIKIO '304 or MAKKONEN for

substantially the reasons set forth above and in Paper No. 8, page 2, substituting ANDERSSON et al for KAISER.

Claims 6 is rejected under 35 U.S.C. 103(a) as being unpatentable over ANDERSSON ET AL in view of SAMPI et al in view of MEINANDER for substantially the reasons set forth above and in Paper No. 8, page 2, substituting ANDERSSON et al for KAISER.

The argument that the regenerative pump of ANDERSSON et al operates in a completely different manner than the mixing pump of SAMPI is not convincing as they perform the same function of controlling the flow of low consistency pulp. It would have been prima facie obvious to the routineer to substitute one low consistency pump for another as they perform the same function of pumping low consistency pulp.

The argument that ANDERSSON et al uses two pumps is not convincing as the claims are open and do not exclude the mixing pump of ANDERSSON et al. Besides ANDERSSON et al states in column 5, lines 3-9, that a combined regenerative and mixing pump can be used instead of the regenerative pump.

The argument that the mixing pump, white water tank and gas separation tank of ANDERSSON et al are positioned at substantially the same level as the top of the white water container while the instant system, the white water tank and the propeller pump are located at the same machine level is not convincing as Figure 3 of ANDERSSON et al shows the white water tank level, the regenerative pump, the gas separation tank (13) and the paper machine headbox (19) are all located at the same vertical level.

Applicant's arguments with respect to WO 0011265 are not convincing as the disclosure of the priority document does not provide a basis for the instant process. Applicant should point to the disclosure of the instant specification in support of any arguments.

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

When filing an **"Official"** FAX in Group 1730, please indicate in the Header (upper right) **"Official"** for papers that are to be entered into the file. The **"Official"** FAX phone numbers for this TC 1700 are:

Non-Final Fax: (703) 872-9310 After-Final FAX: (703) 872-9311.

When filing an **"Unofficial"** FAX in Group 1730, please indicate in the Header (upper right) **"Unofficial"** for Draft Documents and other Communications with the PTO that are not

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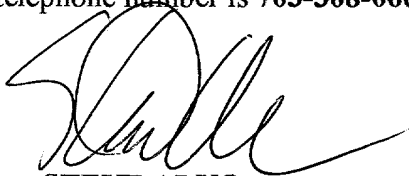
for entry into the file of the application. This will expedite processing of your papers. The
“Unofficial” FAX phone number for this Art Unit (1731) is (703) 305-7115.

Any inquiry concerning this communication or earlier communications from the **primary examiner** should be directed to **Steve Alvo** whose telephone number is (703) 308-2048. The Examiner can normally be reached on Monday - Friday from 6:00 AM - 2:30 PM (EST).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mr. Steve Griffin, can be reached on 703-308-1164.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the **Group receptionist** whose telephone number is 703-308-0661.

MSA
10/3/2003



STEVE ALVO
PRIMARY EXAMINER
ART UNIT 1731